



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/697,237

10/31/2003

Nobuyuki Nonaka

SHO-0045

9024

23353 7590 12/01/2009
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

MOSSER, ROBERT E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

12/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/697,237 | Applicant(s) NONAKA, NOBUYUKI | |
| | Examiner ROBERT MOSSER | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 9 is objected to because of the following informalities: the clause reading “established the predetermined” should read “established by the predetermined” following the form of later presented claims 13 and 16. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims **9**, **13**, and **16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language "a special prize" was not originally presented in this application and is not defined with relation thereto. It is unclear by what the applicant intends to include or exclude from the claim scope as such language may or may not refer to monetary payouts of any size, monetary payouts exceeding a threshold, and non-monetary prizes such as bonus games and/or free plays of a base game. For the purposes for prosecution the phrase “a special prize” has understood to encompass a “big bonus” and a “normal bonus”

Claims **15-17** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

Art Unit: 3714

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim amendment introducing the use of the term "chronological" in describing the process of sequentially presented the values on the display reels is not supported within the specification nor figures of the application as originally presented. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **8-9**, and **11-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al (US 2005/0192090) in view of Loose et al (6,517,433).

Claims **8**, and **11-12**: Muir teaches a gaming machine including:

a display device displaying a plurality of symbols thereon (*Muir* Figure 8, Paragraph 41);

a liquid crystal shutter placed in front of the display device and selectively enabling the transparent viewing the display device based on the state of the shutter responsive to predetermined conditions (*Muir* Figure 8, Paragraph 61-65);

a liquid crystal display device placed in front of the display device and the liquid crystal shutter (*Muir* Figure 8, Paragraph 48); and

a controller for controlling the operation (*Muir* Paragraph 45) and configured to:
determine and display a symbol arrangement for display on the display device (*Muir* Paragraph 41, 52);

block the viewing of the display device through the use of the liquid crystal shutter if the determined symbol arrangement match a predetermined symbol arrangement (*Muir* Paragraph 52,65); and

display an image on the liquid crystal display device when the viewing of the display device is blocked through the use of the liquid crystal shutter (*Muir* Paragraph 62, 64, 65).

Muir teaches the invention as set forth above, however while Muir teaches the use of the Shutter mechanism to clearly display the contents of the liquid crystal display and the utilization of the LCD display based on a reel outcome, Muir arguably does not tie the use of the of the shutter mechanism to the reel outcome. In a related invention Loose teaches the use of a reel game with various randomly selected (alternatively described by applicant as lottery) outcomes wherein based on the occurrence of a predetermined outcome a overlaid liquid crystal display is activate and in addition thereto Loose further teaches that an extendable opaque shade may be used during the bonus game to enable clear viewing of the liquid crystal display device (*Loose* Col 3:27-4:3; 4:28-57; 5:24-51). It would have been obvious to one of ordinary skill in the art at the time of invention to have utilized the opaque shading device/shutter during a bonus

Art Unit: 3714

game as taught by Loose in the invention of Muir in order to ensure clear viewing of the bonus game during operation.

Claims **9** and **13**: The combination of Muir & Loose teach the utilization of the shutter mechanism during the establishment of a special prize (bonus game) and during the non-establishment of a special prize (*Muir* paragraphs 12, 51, 63-65; *Loose* Col 4:28-40, 4:58-5:23, 5:31-51).

Claims **10**, **14**, and **18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al (US 2005/0192090) in view of Loose et al (US 6,517,433) as applied to claims **8-9**, and **11-13** above and further in view of Nishiyama et al (US 6,507,385)

The combination of Muir & Loose teach the invention as cited above and including as presented therein the use of liquid crystal shutter mechanisms which inhibit or permit the transmission of light based the application of an electrical signal, however the combination does not speak to the particulars of whether the liquid crystal shutter is of a type which is normally transparent alternatively described as normally white. In a related invention Nishiyama teaches that it is known to configure shutter type liquid crystal devices in a normally white mode (*Nishiyama* Col 14). It would have been obvious to one of ordinary skill in the art at the time of invention to have utilized a liquid

crystal shutter of a normally white type as taught by Nishiyama in the combination of Muir & Loose in order to conserve power while the shutter was not in use.

Claims **15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al (US 2005/0192090) in view of Loose et al (US 6,517,433) as applied to claims **8-9**, and **11-13** above and further in view of Okada (US 4,573,681)

The combination of Muir & Loose teach the invention as cited above including the incorporation a reel display device and shutter device capable of selectively blocking the images of the reels. The combination of Muir & Loose however is arguably silent regarding the time based sequential modification of the display device. In a related application Okada teaches the time based sequential modification of the display device (*Okada* Col 2:32-48). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the time based sequential modification of the display device of Okada in the combination of Muir & Loose in order to extend the players anticipation of a game result by lengthening the period time wherein the game result is revealed.

Claim **17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al (US 2005/0192090) in view of Loose et al (US 6,517,433) further in view of Okada (US 4,573,681) and yet further in view of Nishiyama et al (US 6,507,385)

The combination of Muir, Loose & Okada teach the invention as cited above and including as presented therein the use of liquid crystal shutter mechanisms which inhibit

Art Unit: 3714

or permit the transmission of light based the application of an electrical signal, however the combination does not speak to the particulars of whether the liquid crystal shutter is of a type which is normally transparent, alternatively described as normally white. In a related invention Nishiyama teaches that it is known to configure shutter type liquid crystal devices in a normally white mode (*Nishiyama* Col 14). It would have been obvious to one of ordinary skill in the art at the time of invention to have utilized a liquid crystal shutter of a normally white type as taught by Nishiyama in the combination of Muir, Loose & Okada in order to conserve power while the shutter was not in use.

Response to Arguments

Applicant's arguments entered July 6th, 2009 have been fully considered but they are not persuasive.

Issues of new matter have been addressed in the rejections as presented above while the newly claimed features have been addressed in the rejection as presented above.

As the applicant's arguments are directed to the absence of newly claimed features however as these features have been accordingly addressed in the above presented rejections they are considered redressed therewith.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 3714

/R. M./
Examiner, Art Unit 3714